

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES W. EBY, SR.,)	
)	No. CV-11-0241-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION FOR REMAND
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings, **ECF No. 17**. Maureen J. Rosette represents plaintiff. Special Assistant United States Attorney David I. Blower represents defendant. The parties have consented to proceed before a magistrate judge, ECF No. 9.

After considering the stipulated motion, ECF No. 17, **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including:

1. The ALJ will conduct a new hearing;
2. The Appeals Council will direct the ALJ to update the medical record with a mental status examination and an opinion on the claimant's work-related limitations;
3. The ALJ will update the administrative record;
4. The ALJ will re-evaluate the claimant's residual

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1 functional capacity;

2 5. The ALJ will obtain supplemental vocational expert
3 testimony, and

4 6. The ALJ will issue a new decision.

5 Because this remand is pursuant to sentence four with a
6 remand to the Commissioner for further proceedings (*see Melkonyan*
7 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to
8 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412
9 (a), (d), upon proper request to this Court.

10 **IT IS FURTHER ORDERED:**

11 1. The parties' stipulated motion for an order of remand
12 pursuant to sentence four, ECF No. 17, is **GRANTED**.

13 2. Judgment shall be entered for **PLAINTIFF**.

14 3. An application for attorney fees and costs may be filed by
15 separate motion.

16 4. The District Court Executive is directed to enter this
17 Order, enter judgment for Plaintiff, forward copies to counsel,
18 and **CLOSE** the file.

19 **IT IS SO ORDERED.**

20 **DATED** this 8th day of August, 2012.

21 s/James P. Hutton

22 JAMES P. HUTTON

23 UNITED STATES MAGISTRATE JUDGE
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